

BARRY J. PORTMAN
Federal Public Defender
JEROME E. MATTHEWS
Assistant Federal Public Defender
555 - 12th Street
Suite 650
Oakland, CA 94607-3627
Telephone: (510) 637-3500
Counsel for Defendant MARK HANES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. CR-05 00656 PJH
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER CONTINUING STATUS
vs.)	CONFERENCE
)	
MARK HANES,)	
)	
Defendant.)	
_____)	

This matter presently is set for a status conference on January 11, 2006. Since taking over the case and making a general appearance on December 14, 2005, defense counsel has undertaken investigation of a number of issues relating to Mr. Hanes's defense. Some witness interviews remain, and counsel still has not obtained all necessary medical records relating to diagnosis of and treatment for AIDS-related dementia pertaining to Mr. Hanes.

The parties are discussing a possible resolution of at least one and possibly both counts of the underlying indictment. Defense counsel also would like to conduct a witness interview in another case at or near the time of the presently scheduled status conference. This witness only recently was located and became available, is critical to the defense of the other matter, is only

1 available for an interview this Wednesday, January 11, 2006, and may not again be available for
2 an interview prior to trial of the other matter. Accordingly, IT IS STIPULATED AND AGREED
3 that the status conference in this case may be continued one week to January 18, 2006. The
4 parties jointly request that the matter be placed on the Court's 2:30 p.m. calendar as AUSA
5 Morgan-Kelly will be in trial on that date and unavailable until after 1:30 p.m.

6 IT IS FURTHER STIPULATED that time under the Speedy Trial Act be excluded on the
7 grounds that defense counsel is continuing his investigation of the underlying facts, conducting
8 witness interviews, and preparing the defense of this case. 18 U.S.C. § 3161(h)(8)(A) and
9 (B)(iv).

10 SO STIPULATED.

11 /S/

12 Dated: January 9, 2006

13 JEROME E. MATTHEWS
Assistant Federal Public Defender

14 /S/

15 Dated: January 9, 2006

16 MICHELLE MORGAN-KELLY
Assistant United States Attorney

17 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
18 "conformed" signature (/S/) within this efiled document.

19 Good cause appearing therefor, IT IS ORDERED that this matter be continued to January
20 18, 2006 at 2:30 p.m., and that time under the Speedy Trial Act be excluded, all on the grounds
21 set forth in the foregoing stipulation.
22

23 Dated: January 10, 2006

24 

25 PHYLLIS J. HAMILTON
United States District Judge
26